IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12968 of 2008
BISHUNDEO RAI
Versus
THE STATE OF BIHAR

WITH

Cr.Misc. No.16162 of 2008
RADHEY YADAV
Versus
THE STATE OF BIHAR
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3 8.7.2008 Heard the learned counsel for the petitioners and counsel appearing on behalf of the State.

The petitioners are accused in a case under Sections 395, 412 and 382 of the Indian Penal Code.

The allegations are that 78 drums of Bitumen were stolen from Kamla Construction Company, by loading the Bitumen on the truck. The informant has also alleged that his Mobile Phone has been stolen.

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Through the Mobile Phone the Police could trace the numbers and the Mobile Phone was traced to Arjun Kumar Chauhan. Arjun Kumar Chauhan, had talked with Karu Chauhan and Nandlal Chauhan and thereafter after interrogation of Karu Chauhan and Nandlal Chauhan, the Police discovered the address of Arjun Chauhan. On the basis of confessional statement of Arjun Chauhan, it is stated that truck was taken to Hot Mix Plant, Patna and Arjun Chauhan had also disclosed the name of the petitioner Radhey Yadav as the truck owner and driver and Bishundeo Rai. Bishundeo Rai, was apprehended on 7.1.2008 and he has made a confessional statement in

which he has stated that he agreed to sell the Bitumen. It is the case of Bishundeo Rai that he only was to sell the Bitumen for which he got Rs.100/- as commission.

According to the statement of Radhey Yadav, it is said that he was not involved in the actual act of committing dacoity, his only role is that he had carried the stolen Bitumen to the Hot Mix Plant.

Considering the allegations made aforesaid, I am not inclined to grant bail to the petitioners namely Bishundeo Rai and Radhey Yadav, in the present case. Petitioners may renew their prayer for bail after six months if, so advised.

P.K. **(Sheema Ali Khan,J.)**

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